



East Timor

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East Timor became a fully independent republic in May 2002, following approximately 2½ years under the authority of the U.N. Transitional Administration in East Timor (UNTAET). The country has a parliamentary form of government with its first parliament formed from the 88-member Constituent Assembly chosen in free and fair, U.N.-supervised elections in 2001. The 29-member Cabinet is dominated by the Fretilin Party, which won the majority of assembly seats. Mari Alkatiri, Fretilin's Secretary General, is Prime Minister and Head of Government, and Xanana Gusmao, elected in free and fair elections in 2002, is President and Head of State. UNTAET's mandate ended with independence, but a successor organization, the U.N. Mission of Support in East Timor (UNMISET), was established. The Constitution provides that "laws and regulations in force continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution." Under this provision, many Indonesian and UNTAET laws and regulations remain in effect. Regulations providing for an independent judiciary generally were respected; however, the judicial system was inefficient and, at times, inconsistent.

UNMISET maintains responsibility and command of the U.N. Peace Keeping Force (UNPKF) and the U.N. Police Forces (UNPOL). On May 20, UNMISET ceded authority for maintaining internal security to the national police force (PNTL, or Policia Nacional de Timor-Leste) and external security to the national defense force (F-FDTL, or Falintil-Forca Defesa Timor-Leste). The UNPKF remained as a rapid response force and border patrol. UNPOL operations were limited to a small advisory unit to assist in the development of the PNTL. The PNTL is responsible to the civilian Minister of the Interior. According to the Constitution, F-FDTL is responsible to the Superior Council for Defense and Security, a civilian body headed by the President; however, at year's end, the Superior Council had not been established, and F-FDTL was supervised by the civilian Secretary of State for Defense. Civilian authorities generally maintained effective control of the security forces; however, there were a few instances in which members of the security forces acted independently of government authority. Some members of the PNTL and F-FDTL committed human rights abuses.

The country is extremely poor, with two-thirds to three-fourths of the population of 924,000 persons engaged in subsistence agriculture. Per capita gross domestic product was approximately \$430. The majority of the population had basic shelter and sufficient food supplies. An estimated 70 to 80 percent of the country's infrastructure was severely damaged by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in 1999 as they withdrew. The rural agricultural economy has recovered significantly, but the country remained dependent on imported food. Coffee remained the territory's only significant export. In 2002, the country concluded an interim agreement with Australia to share revenue from a portion of the potentially lucrative Timor Gap oil and gas region. Property ownership disputes and the lack of a comprehensive commercial code hindered investment and related long-term development. Urban unemployment and wage and price inflation remained significant problems. Most observers believed that the country would remain heavily dependent on foreign assistance for the next several years.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were numerous reports of excessive use of force and abuse of authority by police officers. Prolonged pretrial detention was a problem. The rights to due process and to an expeditious and fair trial often were denied or restricted, largely due to severe shortages of resources and lack of trained personnel in the legal system; there also were reports of abuse of authority by government officials. It was not clear how many refugees or displaced persons wished to return to the country but feared reprisals from militias in West Timor or attacks and harassment by returnees suspected of being former militia members. Domestic violence against women was a problem, and there were instances of rape and sexual abuse. The country lacked the infrastructure to care adequately for persons with mental or physical disabilities. Child labor in the informal sector occurred, and there were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no developments in the investigation of the September 2003 killing of fugitive militia leader Francisco Vegas Bili Atu by a member of the PNTL. While the officer claimed the shooting was in self-defense, there were credible reports that excessive force may have been used. There also were no developments in the case of the former militia members arrested after attacking a bus near Aidabaleten in February 2003, in which two persons were killed and several others injured.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the Government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment by police officers. For example, on April 3, a member of a foreign military team on an official training mission suffered a broken nose and severe bruising from a beating by police officers after he allegedly left the scene of a traffic accident. The Professional Standards Unit (PSU) of the PNTL investigated the officers involved and recommended discipline to the PNTL Commissioner. At year's end, the Ministry of the Interior had referred the case to the Office of the Prosecutor General for possible criminal prosecution but had not imposed administrative discipline against the perpetrators, and at least one of the officers involved had been promoted to a position of greater authority. On May 24, several PNTL officers assaulted two men who appeared intoxicated at a cockfight in Dili. The officers sprayed the men with pepper spray and punched and kicked them. The officers reportedly continued to beat the men while they were in police custody. The case was investigated by the PSU, which forwarded a report to the PNTL Commissioner; at year's end, no action had been taken against the officers. On June 18, several members of the Rapid Intervention Unit (UIR) of the PNTL assaulted a security guard at a Dili restaurant. A UIR officer kicked the security guard and beat him with a baton. The victim claimed to have been knocked unconscious. The PSU investigated the case, and a criminal case was pending at year's end, but all officers involved remained on active duty. On September 22, a man driving an overloaded car was stopped by members of the UIR accompanied by the Minister of the Interior. When the man argued with a UIR officer about the legality of the number of persons in his car, the UIR officer beat the man, in the presence of the Minister of the Interior, until the victim began to bleed. The driver reported the incident to the President, who asked the Government to investigate the matter. The Office of Human Rights in the Prime Minister's Office reportedly was investigating the incident.

On July 20, police officers dispersed a nonviolent demonstration in the parking lot of the Palacio do Governo, which holds the offices of the Prime Minister and other senior government officials. When the demonstrators refused a request to move their demonstration across the street, police used tear gas and excessive force to disperse the group. UIR officers beat several protesters, including some who were attempting to flee or who had been placed in police custody. In August, 17 members of the *Comite Popular de Defesa-Republica Democratica de Timor-Leste* (CPD-RDTL), a fringe political movement that sometimes claims to be the true government of the country, were arrested without a warrant in the village of Viqueque. The men initially were taken from Viqueque to Baucau, where they were detained for several days before being taken to Dili. There were allegations that the men were beaten and deprived of food during their detention. After a court in Dili ordered the men released, they were transported to Viqueque. One man died, presumably from exhaustion, while walking from Viqueque to his village.

There were no developments in the July 2003 case in which a police officer reportedly participated in beating and burning with cigarettes a 16-year-old deaf and mute boy who had been accused of petty theft.

Between November 10 and November 28, members of the PNTL beat several CPD-RDTL members in remote areas of Covalima district. Police also fired what they claimed were warning shots, but the CPD-RDTL members claimed the shots were fired at them. These attacks appeared to have been in retaliation for the destruction of a bridge near Suai, allegedly by CPD-RDTL members. Since no complaint was lodged with the PSU, no government agency opened an investigation.

Occasional clashes between members of the PNTL and the F-FDTL remained a problem. In January, a confrontation in Los Palos, in which a number of PNTL officers were temporarily detained by F-FDTL soldiers, led to the creation of an independent commission by the President to investigate the problems faced by F-FDTL and recommend solutions. On December 16, a group of F-FDTL soldiers ransacked a PNTL station where a sergeant in the armed forces had been detained and allegedly mistreated. Another PNTL officer was beaten at his home by two F-FDTL soldiers, allegedly because of his involvement in the case, and there were reports of retaliatory attacks by PNTL members on F-FDTL members. This incident prompted senior government officials to call for a coordinated effort to resolve outstanding issues between the police and the armed forces. At year's end, the only concrete actions that had been taken were a series of high-profile goodwill meetings and a soccer game between the PNTL and the F-FDTL, in which the President served as referee.

There were reports of sexual abuse by police officers during the year. In May, three PNTL officers, including a police subinspector, were credibly accused of raping a 16-year-old girl. The PNTL officers allegedly forced the girl into a police vehicle at gunpoint and took her to a police training compound on the outskirts of Dili, where the rape took place. The officers were suspended from duty and briefly held in prison to await trial; however, by year's end, the officers had been released. At least three other officers, including one who had previously been implicated in the assault on the foreign military team member, were accused of raping the girl on previous occasions. These officers also were released pending further investigation of the incident. The PSU conducted an investigation, and the case was forwarded to the Prosecutor General; however, at year's end, no administrative actions had been taken on this case, and no date was set for trial. On September 11, an off-duty police officer forcibly entered the home of a 12-year-old girl who allegedly had been statutorily raped by the officer's 19-year-old brother. The

officer reportedly threatened the girl and her parents with his pistol and baton. After initially claiming the incident was a "family matter," police opened an investigation. At year's end, no administrative action had been taken. The delay or refusal by police to investigate allegations of rape or domestic violence was a common problem (see Section 5).

Prison conditions generally met international standards; however, prison facilities were deteriorating, and there were a few reports of undisciplined behavior by prison guards. At Gleno prison, the deterioration of infrastructure gave rise to safety and security concerns, and there were severe water shortages as well as reports of mistreatment of prisoners.

There were no developments in the criminal case filed against a guard who, in June 2003, reportedly beat and injured an inmate at Baucau prison while other guards watched.

Becora prison, which had a separate cellblock for juveniles, was used to incarcerate juvenile prisoners unless they requested to be incarcerated elsewhere. There were no separate juvenile facilities at the Gleno or Baucau prisons. All female prisoners were held in separate facilities in Gleno and Baucau. There were two full-time social workers to deal with juveniles, women, the elderly, and mentally ill inmates. All prisons operated at or very near capacity throughout the year. There were no reports of severe overcrowding.

The Government permitted prison visits by the International Committee of the Red Cross and independent human rights observers.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, there were a few instances in which these provisions were violated. In a number of cases, persons were arrested and detained but ultimately not charged with crimes. Although this sometimes happened due to misunderstandings or because an investigation exculpated the suspect, the circumstances of other cases suggested that law enforcement officers may have held detainees as a form of punishment. For instance, on November 7, two former PNTL officers, who had recently resigned to accept positions as security guards with an embassy, were arrested and detained for 48 hours by direct order of the Minister of the Interior, allegedly because they had not properly resigned from PNTL; however, they were accused of no crime, and the penalties prescribed by law for violations of internal police disciplinary regulations do not include detention.

The PNTL remained poorly equipped and undertrained, and there were numerous credible allegations of abuse of authority (see Section 1.c.), mishandling of firearms, and corruption. Reports of abuse of authority and unprofessional conduct increased after policing authority was transferred from the U.N. to the PNTL.

The PSU investigated allegations of police misconduct and reported its findings to the PNTL Commissioner. Cases of severe misconduct were referred to a newly established committee chaired by a vice minister of the Ministry of the Interior. At year's end, this committee had a backlog of approximately 75 cases. During the year, some officers were punished for relatively minor misconduct, and, in at least two cases, police officers were convicted and sentenced for assaults committed while on duty; however, by year's end, no action had been taken in a number of cases involving serious misconduct, and some of the alleged perpetrators were promoted to positions of greater authority. There were allegations that personal connections within the police force were a factor in some cases.

The PNTL often were slow to respond, willing to overlook required procedures, or ill-equipped to complete an investigation or arrest. In March, police reportedly claimed they had no vehicle available to investigate the case of a woman who died under suspicious circumstances in Liquica. Victims and suspects often were transported in the same vehicle, due to the limited availability of transportation.

In a few cases, police were influenced by political pressures. In March, a district police commander was suspended after he refused instructions from his superiors to stop a rally in Suai held by an opposition party. In July, a CPD-RDTL member was arrested without a warrant after he and other members of the group hung antigovernment banners and as they reportedly were planning an antigovernment demonstration.

During the year, there was increased concern within society and among international observers regarding the independence of the police. For example, on March 26, the Minister of the Interior reinstated a UIR officer who had been dismissed on March 10 after an investigation by the PSU found him guilty of assaulting a civilian. Newspaper reports quoted the Minister to the effect that perhaps the "foreigner" (the victim) had denigrated or sneered at the police officer or offended him, or that the PNTL officer believed that he had been denigrated. In November, the Minister ordered the arrest and detention of two police officers who had resigned, although there was no apparent legal basis for the detention (see Section 1.d.).

Government regulations require a hearing within 72 hours of arrest to review the lawfulness of the arrest and detention and also to provide the right to a trial without undue delay. However, because of a shortage of magistrates, many suspects were forced to wait longer than 72 hours for a hearing. This situation was particularly acute in areas that did not have a local magistrate or where authorities lacked means to transport suspects to a hearing. Some prosecutors, in violation of regulations, granted police the authority to detain persons beyond 72 hours.

A 2003 ruling by the Court of Appeals stated that the pretrial detention limit of 6 months and the requirement that such detentions be reviewed every 30 days need not apply in cases involving certain serious crimes; however, the 30-day review deadline was missed in a large number of cases involving less serious crimes, and a majority of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. The law provides that judges shall perform their duties "independently and impartially" without "improper influence." UNTAET regulations, still in force, include a Prosecution Law that requires public prosecutors to discharge their duties impartially. These provisions generally were respected.

The court system includes four district courts (Dili, Baucau, Suai, and Oecussi) and a national Court of Appeals in Dili. The Ministry of Justice is responsible for administration of the courts and prisons and also provides defense representation. The Prosecutor General is responsible for initiating indictments and prosecutions. The Government had difficulty establishing the justice sector institutions and recruiting and training qualified judges, prosecutors, and defense attorneys. The judiciary's shortage of personnel, as well as bureaucratic and managerial inefficiency, contributed to the inability to provide for expeditious trials (see Section 1.d.). The lack of qualified prosecutors and technical staff for the office of the Prosecutor General led to a backlog of more than 3,000 cases by year's end.

The Appeals Court, responsible for adjudicating appeals from the district courts, became fully functional and heard its first cases in July 2003. Until a Supreme Court is established, the Appeals Court remains the country's highest tribunal.

Personnel shortages affected the entire legal system, but it disproportionately affected the operations of the Baucau, Oecussi, and Suai district courts, which operated at irregular intervals. The shortage of trained personnel also led to trials that did not fulfill prescribed legal procedures. For instance, in one case, the prosecutor did not appear for a scheduled hearing, and the judge ordered a court clerk, who also was a law student, to serve in lieu of the prosecutor so that the hearing could go forward. The arrival of four international judges in October was designed in part to clear the district courts' backlog, but at year's end, it was not clear what effect these judges would have.

Most trial judges and prosecutors had been trained only in Indonesian law and received their legal education in the Indonesian language, while most appellate judges and many senior government officials were trained elsewhere and spoke little or no Indonesian. The Court of Appeals operated primarily in Portuguese. The UNTAET regulations, many of which still are in force, were available in English, Portuguese, and Indonesian, as well as in Tetum, the language most widely spoken in the country. Laws enacted by Parliament, intended to supplant gradually the Indonesian laws and UNTAET regulations, were published only in Portuguese, and many litigants, witnesses, and criminal defendants were unable to read the new laws. As of October 1, a decision by the Superior Council of Magistrates required that trials be conducted solely in Portuguese and Tetum.

The Serious Crimes Unit (SCU), established by UNTAET in 2000, is responsible for investigations and indictments concerning genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture that occurred in 1999. By year's end, the SCU had filed 95 indictments against 391 persons. Of these, 290 indictees remained at large in Indonesia with little chance of being returned to stand trial. In 2000, UNTAET established the Special Panels on Serious Crimes within the Dili District Court to try those charged with the mass killings and other gross human rights violations committed in 1999. The two Special Panels, each of which consists of two foreign judges and a local judge, have exclusive and "universal" jurisdiction to adjudicate cases concerning these human rights violations. By year's end, the Special Panels had handed down 76 convictions, 2 acquittals, and 2 indictment dismissals; a total of 9 indictments involving 20 defendants and 1 appeal were pending. Pursuant to U.N. Security Council resolutions, the SCU ceased investigating cases in November. The Special Panels for Serious Crimes were scheduled to cease operations on May 20, 2005. The Ad Hoc Tribunal, based in Indonesia, failed to achieve accountability for crimes against humanity committed in East Timor in 1999. The U.N. has stated its intention to appoint a Commission of Experts to evaluate the Ad Hoc Tribunal and the SCU and recommend the next steps for achieving accountability. In December, the Governments of Indonesia and East Timor agreed to form a bilateral Truth and Friendship Commission to address a broad range of bilateral issues, including accountability. At year's end, the upcoming dissolution of the SCU led to increased public support for an international tribunal or other mechanism to bring to justice those indictees who remained at large in Indonesia.

The SCU worked very closely with the Truth and Reconciliation Commission of East Timor (CAVR, or Comissao de Acolhimento, Verdade e Reconciliacao de Timor Leste). While the SCU is mandated to investigate and prosecute crimes against humanity committed in 1999, the CAVR investigated less egregious human rights violations that occurred between April 1974 and October 1999. CAVR also facilitated reconciliation between victims and perpetrators of these violations (see Section 4). The CAVR was scheduled to publish its final report and cease operations in July 2005.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were a few reports of arbitrary interference with privacy, family, home, and correspondence. For example, in 2003, the Government seized the home of a popular opposition leader on questionable legal grounds and repeatedly has ignored court

orders barring any construction on the property until the legal ownership is determined.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were a few instances in which government officials attempted to interfere with the press. An editor of one of the two major local newspapers cited several instances in which senior government officials cautioned the editorial staff against overt criticism of various ministries and the police force. In addition, government officials reportedly instructed the television station to cease broadcasting images of police assaulting civilians after a July 20 demonstration (see Section 1.c.). The journalist who made the film reported that government officials told him that he should not make the film available to others.

There were two daily newspapers, three weeklies, and several newspapers that appeared sporadically. Their editorials frequently criticized the Government and other political entities; however, fear of defamation suits inhibited the willingness of some media outlets to criticize the Government. Libel and defamation are criminal offenses under Indonesian statutes that have remained in force pending enactment of a criminal code, but no prosecutions were brought under these statutes.

The Public Broadcast Service (PBS) owned and operated a radio station and a television station. The PBS radio service was available throughout the country. The PBS broadcast television was available only in Dili and Baucau. In addition to the PBS radio station, there were 16 community radio stations, including at least 1 in each district. Radio was the most important news medium for most of the country.

There were no legal or administrative restrictions on Internet access.

The Government generally did not restrict academic freedom; however, in April, the Council of Ministers issued a decree law requiring that academic research on Tetum and other indigenous languages be approved by the National Language Institute (INL). It gave the INL the power to refuse to authorize linguistic research that "has no scientific merit" or that "would not be advantageous to the country." Foreign researchers must obtain authorization from the INL "under penalty of manifest illegality." There were no reports during the year that this law had been applied to prevent academic research or to punish researchers.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights; however, there were a few cases in which these rights were violated. In March, PNTL officers raided a house in the village of Uatulari where an opposition party was holding a public meeting. Police claimed that the party had not obtained a permit for the meeting; however, under the law, a permit is not necessary for a meeting in a private home. The persons in the meeting were detained at the local police station for several hours before being released.

In December, the Parliament approved a bill that would impose greater restrictions on the freedom of assembly. For example, the law as introduced would have required protesters to remain at least 500 meters away from any government building or foreign embassy. Although Parliament amended the bill to reduce this distance to 100 meters, the bill as passed would also prohibit demonstrations that challenge the constitutional order or "transgress against the respect and consideration due" to the President or a Cabinet member. The "respect and consideration" provision states that it is "without prejudice to the right to criticize." At year's end, the President had yet to promulgate or veto the legislation.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. More than 90 percent of the population was Roman Catholic, and there were small Protestant and Muslim minorities. Generally, religious minorities were well integrated in society.

Between November 21 and December 1, a group of Muslims of Malay descent who had occupied a Dili mosque for 3 years were deported to Indonesia. The group had experienced difficulty integrating into society and obtaining citizenship. Ethnic Timorese Muslims have not faced the same difficulties.

During the year, there were some reports that Protestant evangelists and their converts had been threatened and, in some cases, assaulted by members of the communities in which they were proselytizing, and that the legal system was slow to respond to these charges.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41641.htm).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

The conflicts in 1999 and anti-independence militia activity in 2000 and 2001 resulted in 250,000 East Timorese fleeing their homes and crossing the border into West Timor. By 2003, roughly 225,000 had returned home. During the year, an additional small number of refugees returned from West Timor.

The Constitution provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum; however, there were concerns that the country's regulations governing asylum and refugee status may preclude genuine refugees from proving their eligibility for such status. For example, persons who wish to apply for asylum have only 72 hours to do so after entry into the country. Foreign nationals already present in the country have only 72 hours to initiate the process after the situation in their home country becomes too dangerous for them to return safely. A number of human rights and refugee advocates maintained that this time limit contravenes the 1951 Convention. These advocates also expressed concern that no written reasons are required when an asylum application is denied.

There were nine applicants for asylum during the year. At year's end, three had been accepted along with three others who had applied in 2003 under the U.N. High Commissioner for Refugees (UNHCR) mandate. After the promulgation of the 2003 Immigration and Asylum Act, the Government assumed responsibility from UNHCR for adjudicating asylum claims. Throughout the year, UNHCR continued to mentor immigration officials to ensure that asylum applications were processed according to treaty guidelines. The Government instituted a process whereby all asylum applications must be approved by the Minister of the Interior. There was concern that this could lead to unnecessary delays.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections. In 2002, Xanana Gusmao was inaugurated as the first President, and, in accordance with the Constitution, the members of the Constituent Assembly were sworn in as the first National Parliament. Mari Alkatiri became the first Prime Minister of the country. The 88-member Assembly, elected in 2001, was charged with writing a constitution, which was completed in 2002 and came into effect upon independence. Some observers criticized the provision under which the Constituent Assembly automatically became the Parliament and a parliamentary election is not required until 5 years after independence.

Corruption in the executive and legislative branch was not considered a significant problem; however, there were credible rumors of petty corruption at the nation's port. In addition, customs and border officials were suspected of facilitating the smuggling of gasoline, tobacco, and alcohol across the border from neighboring Indonesia. In March, a company filed a lawsuit against Australia, Indonesia and other parties, alleging the parties had stolen the company's right to develop oil and gas reserves in the Timor Sea. Included in the suit were accusations that senior executive and legislative officials in East Timor accepted several million dollars in bribes from a rival firm. The suit was ongoing at year's end.

The Constitution stipulates that all legislation, Supreme Court decisions, and decisions made by government bodies must be published in the official gazette. Failure to publish them renders them null and void. Regulations also provide for public access to court proceedings and decisions. In addition, rules governing the national budget and accounts ensure public access. The country's draft petroleum fund law was consistent with internationally acceptable principles of transparency and oversight.

There were 23 women in the 88-seat Assembly. Women held two senior cabinet positions--Minister of State and Minister of Finance and Planning--and three vice minister positions. One of the three judges on the Appeals Court was a woman.

The country's small ethnic minority groups were well integrated into society. The number of members of these groups in Parliament and other government positions was uncertain. Both the Prime Minister and the Secretary of State for Defense were members of ethnic minority groups.

During the year, independent election authorities, assisted by UNMISSET advisors, carried out a voter registration, and the list of registered voters was published for public scrutiny in October. Local elections using the new list began in December and were scheduled to be completed by June 2005. Technical difficulties plagued the first day of polling on December 18; however, the national election commission moved quickly to rectify the problems.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Nongovernmental organizations (NGOs) have played an active role in assisting and advising in the development of the country, and numerous NGOs were established over the last 3 years.

According to the controversial 2003 Immigration and Asylum Act, foreigners are prohibited from taking part in political activities. This provision could preclude foreigners and international NGOs from assisting labor unions or projects to promote the development of civil society, and it could also allow the Government to restrict noncitizens from monitoring the criminal or judicial systems. In addition, the law allows the Government to prohibit foreigners from holding conferences and cultural exhibitions if the Government believes that the activities would jeopardize the interests of the country. An exception in the law exempts activities contracted by government institutions, funded by bilateral or multilateral assistance programs, and aimed at training or strengthening democratic institutions that are constitutional and regulated by law or strictly academic in nature. In November 2003, government officials threatened to use the act against the International Republican Institute (IRI), apparently in response to press reports that characterized the results of an IRI-sponsored public opinion poll as unfavorable to the Prime Minister. Members of Parliament told the IRI that the President of Parliament had ordered them to stop attending meetings of the Women's Caucus that were sponsored by the IRI.

On April 27, Parliament promulgated a law establishing the constitutionally mandated Office of the Provedor (Ombudsman) for Human Rights and Justice, although by year's end, the position had not yet been filled. Parliament reconvened in a special session on August 16 to consider the three nominees for the position; however, none of the candidates obtained a majority vote, and the President of Parliament announced that the process for nominations would be reopened. Parliament again attempted to elect a Provedor on October 25. However, neither of the 2 remaining candidates received an absolute majority, due to the absence of 10 members of Parliament. A third election for Provedor was to be scheduled for early 2005.

The CAVR, charged with inquiring into past human rights violations, is headed by 7 national commissioners and 29 regional commissioners in 6 regional offices. The CAVR seeks truth and reconciliation through testimonials by victims and perpetrators of human rights violations. The CAVR held numerous reconciliation meetings in locations throughout the country. In December 2003, the CAVR held a 4-day public hearing on internal political conflict between 1974 and 1976, in which several victims and current government leaders publicly discussed the breakdown of relations among domestic political parties and subsequent violence and related human rights violations during the period between Portugal's decision to decolonize the country in 1974 and Indonesia's intervention in late 1975. In March, the CAVR held its final public hearing, dedicated to the topic of violence against children. Twelve witnesses testified on the effect of the various stages of the armed struggle on the lives of children, both before and during the Indonesian occupation.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

Women

Domestic violence against women was a significant problem and sometimes was exacerbated by the reluctance of authorities to respond aggressively to cases of alleged domestic violence. In some cases, a lack of resources was used to justify official inaction and failure to investigate or prosecute cases involving violence against women.

Failures to investigate or prosecute, as well as long delays, also were common in cases of alleged rape and sexual abuse. For example, the PNTL conducted an investigation in a 2003 case in which a woman allegedly was raped by a member of the F-FDTL. However, at year's end, the case had been delayed and postponed numerous times, and it had not been heard by the district court.

Government regulations prohibit persons from organizing prostitution; however, under Indonesian laws still in force, prostitution itself is not illegal. Nevertheless, women accused of prostitution often were arrested, and some were mistreated while in detention. The Government deported some foreign women for alleged prostitution on the ground that they had violated the terms of their visas.

There were no reports of gender-based employment discrimination during the year; however, women usually deferred to men when job opportunities arose at the village level.

Some customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property.

UNTAET created a Gender Affairs Unit that has continued as the Office for the Promotion of Equality within the Prime Minister's office. The unit provided training to women entering public service and attempted to ensure that women had a voice in government and civil society structures.

The East Timorese Women's Forum and East Timorese Women Against Violence offered some assistance to female victims of violence and established a women and children's shelter for victims of domestic violence and incest. Other NGOs supported women through microcredit lending.

Children

The Constitution stipulates that primary education shall be compulsory and free; however, no legislation has been adopted establishing the minimum level of education to be provided, nor has a system been established to provide for free education. According to a U.N. study, approximately 25 percent of primary education age children nationwide were not enrolled in school; the figures for rural areas were substantially worse than those for urban areas. Only 30 percent of children in lower secondary education (ages 13 to 15) were enrolled, with an even greater difference between urban and rural areas. At least 10 percent of children did not begin school. These statistics were fairly consistent for both male and female students.

The low rate of vaccinations against communicable diseases was a serious problem. The U.N. estimated that only 5 percent of children between 12 and 23 months had been fully vaccinated, and 58 percent of children in this age range had not received any vaccinations. Under the U.N.'s Extended Program on Immunization, vaccinations and refrigeration equipment have been supplied to clinics in locations around the country. However, accessibility to these clinics and the lack of understanding of the need for vaccinations remained problems.

Trafficking in Persons

The law prohibits trafficking in women and children, whether for prostitution or for forced labor; however, during the year, there were several reports of women and girls trafficked into the country for prostitution. In most reported trafficking cases, the victims and the traffickers were foreign nationals. While both PNTL and UNPOL conducted raids on brothels and massage parlors in Dili during the year, there were credible reports that some police and customs officials were guilty of collusion with such establishments or with those who trafficked foreign women into the country to work in these establishments. In October 2003, authorities raided a Dili hotel and discovered a foreigner running a brothel with five women who had been recruited in Thailand with promises of employment as masseuses. Once in Dili, they were required to engage in prostitution. The women were not allowed to leave the establishment without permission, and their passports were confiscated by the brothel's owner. In court, the women were issued a deportation order, and at least one woman returned to Thailand. UNMISSET officials and local NGO leaders cited several instances in which foreign women, usually of Chinese, Indonesian, or Thai origin, reported that they had been trafficked to the country and were being held against their will. For example, two Indonesian women interviewed by a local NGO stated that they had been hired by a businessman in Jakarta to work as housekeepers in a Dili hotel. When they arrived in Dili, the man confiscated their passports and confined the women to his house, telling them that they had to work as prostitutes to pay back their travel expenses.

UNMISSET and the Government established a working group to monitor and control trafficking. The Alola Foundation, an NGO headed by First Lady Kirsty Sword Gusmao, provided assistance to female victims of trafficking and advised the Government on trafficking-related issues.

Persons with Disabilities

Although the Constitution protects the rights of persons with disabilities, the Government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, difficult access to schools in many districts resulted in many children with disabilities not attending school. Training and vocational initiatives did not give attention to the needs of persons with disabilities. During the year, some persons with mental disabilities faced discriminatory or degrading treatment due in part to a lack of appropriate treatment resources. On February 8, a man suffering from a mental illness was arrested after he allegedly assaulted two police officers. The man was placed in Becora prison, which did not have facilities for mentally ill prisoners, and he was not provided access to psychiatric care until UNMISSET officials referred the case to the Ministry of Health. In February, police detained a mentally ill man for several days in a police station because there were no mental health facilities to care for him.

National/Racial/Ethnic Minorities

Relations are generally good between the ethnic Timorese majority and members of several small ethnic minority groups; however, there were occasional reports of discrimination against ethnic Chinese (who are less than 1 percent of the population) and ethnic-Malay Muslims. An historic tension between residents of the eastern part of the country, whose cultures and languages are partly of Papuan origin, and the Austronesian inhabitants of the western part of the country had largely subsided by the time of independence, but it was an occasional aggravating factor in personal and political disputes.

Section 6 Worker Rights

a. The Right of Association

The country has a labor code based on the International Labor Organization's standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally have been slowed by inexperience and a lack of organizational skills. During the year, the Government established official registration procedures for trade unions and employer organizations.

The Immigration and Asylum Act prohibits foreigners from participating in the administration of trade unions.

b. The Right to Organize and Bargain Collectively

While collective bargaining is permitted, workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

The law provides for the right to strike, but few workers exercised this right during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Government regulations prohibit forced and compulsory labor, including by children; however, there were reports that in November, PNTL officers in Covalima district forced members of CPD-RDTL to perform labor as a form of punishment.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code largely prohibits children under 18 from working; however, there are circumstances under which children between the ages of 15 to 18 can work, and there are even exceptional exemptions for children under 15. The minimum age did not apply to family-owned businesses, and many children worked in the agricultural sector. In practice, enforcement of the Labor Code outside of Dili was limited.

e. Acceptable Conditions of Work

The Labor Code does not stipulate a minimum wage; however, employers generally used and employees expected a wage of \$85 per month as a minimum standard. This amount provided a decent standard of living for a worker and family. The Labor Code provides for a maximum workweek of 40 hours per week and standard benefits such as overtime, minimum standards of worker health and safety, and days off. As required by the Labor Code, the Government nominated members to the National Labor Board and the Labor Relations Board. These boards received several weeks of training and began work early in the year. There are no restrictions on the rights of workers to file complaints and seek redress within these codes or other legislation. Workers have the right to remove themselves from hazardous conditions without jeopardizing employment; however, it was not clear that they could avail themselves of this right in practice. The law treats all workers, legal and illegal, the same in terms of wages and working conditions.